

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

BEHAVIOR ANALYST CERTIFICATION)	
BOARD, INC.,)	
)	
Plaintiff,)	
v.)	Civil Action No. 4:23-cv-00194-ALM
)	
MICHAEL MOATES, an individual;)	
MISTY KIESCHNICK, an individual; and)	
THE GLOBAL INSTITUTE OF BEHAVIORAL)	
PRACTITIONERS AND EXAMINERS,)	
)	
Defendants.)	

RESPONSE TO NOTICE OF IMPROPER SERVICE

Plaintiff, Behavior Analyst Certification Board, Inc. (the “BACB”), by and through its attorneys, respectfully submits its Response to Notice of Improper Service and, as grounds therefor, states the following:

While the arguments raised in Defendant Kieschnick’s Notice of Improper Service are flawed¹, Defendant Moates has already been served on behalf of The Global Institute Of Behavioral Practitioners and Examiners (“GIBPE”), rendering this issue moot. See the Affidavit of Service (Doc. 19) filed with the court on May 26, 2023. For this reason, the Court need not consider Ms. Kieschnick’s Notice of Improper Service.

¹ For instance, Fed. R. Civ. P. 4(e)(1) permits service to be made according to the state law of the jurisdiction where service is made. Tex. R. Civ. P. 29 provides “service of process may be obtained on the president, **directors**, general manager, trustee, assignee, or other person in charge of the affairs of the corporation at the time it was dissolved[.]” Ms. Kieschnick is listed as a Director of the GIBPE according to the Texas Secretary of State public filings.

Respectfully submitted this 9th day of June, 2023.

HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C.

s/ Mark L. Sabey

Mark L. Sabey, *pro hac vice*

Lindsay K. McManus, *pro hac vice*

999 17th Street, Suite 800, Denver, CO 80202

303-801-3538 / marksabey@hallrender.com

303-802-1293 / lmcm anus@hallrender.com

and

Brandon S. Kulwicki

HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C.

603 Munger Avenue, Suite 350, Dallas, TX 75202

P: 214-615-2025 / F: 214-615-2001

bkulwicki@hallrender.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that on June 9, 2023, a true and correct copy of the foregoing was served upon the following:

Misty Kieschnick
9448 Castlewood Dr.
Fort Worth, TX 76131
m.kieschnick@att.net
Defendant – *pro se*

Michael Moates
4501 Nautilus Circle, Apt. 710
Fort Worth, TX 76106
mike@cpmht.com
Defendant – *pro se*

s/ Crystal J. Sebastiani

Crystal J. Sebastiani, Paralegal